

Courts Original

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6 IN PROPRIA PERSONA

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RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

FFP  
 NP  
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ADR

7 **IN UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO**

9 WILLIAM J. WHITSITT  
 10 (PLAINTIFF)

11 -----VS-----

12 JEAN ZEDLITZ #1625

13 DUBLIN POLICE DEPARTMENT

14 R. LANCE & SON TOWING STORAGE AGENCY

15 CITY OF DUBLIN

16 COUNTY OF ALAMEDA

17 CREDIT REGULATING SERVICES, INC.

18 10 UNNAMED DEFENDANTS  
 19 (DEFENDANTS)

C08-01803 EDL

**COMPLAINT SECTION 1983  
 FALSE ARREST WRONGFUL  
 TOW FROM PRIVATE PROPERTY**

22 Comes Now, William J. Whitsitt, a Natural Born Citizen of the United States exercising  
 23 the Full Rights of Sovereignty as We The People. I come to this Court Seeking Full  
 24 Redress and A Remedy At Law. For Sovereignty of We The People See: CHISHOLM v. GEORGIA  
 25 (U.S. 2 Dall 419, 454, 1 L Ed 440, 455 (1793) pp 471-472; BOYD v. STATE OF NEBRASKA, 143 U.S. 135 at 158 (1892)

26 419. I come to this Federal District Court to Seek Remedy for a Towing and Seizing

**SECTION 1983 COMPLAINT - DUBLIN**

Page 1 of 30

10 44 SEC. N  
 NOTICE OF ASSIGNMENT  
 TO MAGISTRATE JUDGE SENT

My Private Property under the Color and Guise of State Law, in Violation of Due Process of Law. My Private Property was Towed and Seized from the Private Parking area and Private Property. The Vehicle Code has NO Jurisdiction upon Private Property. Thus Arrest and Towing of Vehicle from Private Property Unlawful. I was Arrested on Private Property for a Misdemeanor Traffic Violation.

### **(JURISDICTION)**

The Venue is Correct, the City of Dublin is in Territorial Limits and Jurisdiction of the Northern District of California.

The Subject Matter is Correct, because Section 1983 Grants Statutory Jurisdiction by Act of Congress to the U.S. District Court. Federal Question Jurisdiction.

I have Standing to Sue because my Federal Rights where Denied under the Color of State Law.

"suit arises under the law that creates the cause of action." Id., at 8-9, quoting: American Well Works Co. v. Layne & Bowler Co., 241 U.S. 257, 260 (1916).

See: **§ 1343. Civil rights and elective franchise**

Under the Color and Guise of State Law and City Ordinance the Named Police Officer did Unlawfully, Wrongfully Seize my Person (Arrest), Seize and Tow my Vehicle (Property) from Private Property.

Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state law, is action taken "under color of any statute", within this section. Henig v. Odorioso, C.A. 3 (Pa.) 1967, 385 F.2d 491, certiorari denied 88 S.Ct. 1269, 390 U.S. 1016, 20 L.Ed.2d 166, rehearing denied 88 S.Ct. 1814, 391 U.S. 929, 20 L.Ed.2d 671. See, also, Basista v. Weir, C.A. 3 (Pa.) 1965, 340 F.2d 74; Baldwin v. Morgan, C.A.Ala.1958, 251 F.2d 780; Geach v. Moynahan, C.A.Ill.1953, 207 F.2d 714; Pickling v. Pennsylvania R. Co., C.C.A.Pa.1945, 151 F.2d 240, rehearing denied 152 F.2d 753; Nugent v. Sheppard, D.C.Ind.1970, 318 F.Supp. 31

Misuse of Power Under the Color of State Law (California Vehicle Code) Qualifies

Section 1983 Civil Rights Jurisdiction.

## **(CAUSES OF ACTION UNDER SECTION 1983)**

Here is a Brief List of all Claims for Cause of Action under Section 1983. All Claims are Actions taken Under the Color of State of California Law (Vehicle and Penal Code). Thus, creating Causes of Action under Section 1983.

- \* **(# 1.) - WRONGFUL TOW OF MY VEHICLE FROM PRIVATE PROPERTY.**
- \* **(# 2.) - FALSE ARREST FROM PRIVATE PROPERTY.**
- \* **(# 3.) - SEIZING OF VEHICLE PROPERTY IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS.**
- \* **(# 4.) - ACTION UNDER THE COLOR OF STATE LAW.**
- \* **(# 5.) - CITY OF DUBLIN CALIFORNIA AND POLICE DEPARTMENT AUTHORITY USED IN SEIZURE OF MY PERSON AND VEHICLE PROPERTY.**
- \* **(# 6.) - FALSE IMPRISONMENT.**
- \* **(# 7.) - CRUEL AND UNUSUAL PUNISHMENT.**
- \* **(# 8.) - DENIAL OF FORFEITURE HEARING**
- \* **(# 9.) - CONSPIRACY UNDER THE COLOR OF LAW.**
- (# 1.) - WRONGFUL TOW OF MY VEHICLE FROM PRIVATE PROPERTY.**

I come to this Federal District Court to Seek Remedy for a Towing and Seizing My Private Property under the Color and Guise of State Law, in Violation of Due Process of Law. My Private Property was Towed and Seized from the Private Parking area and Private Property. The Vehicle Code has No Jurisdiction over a Private Parking Lot. Let also Judicial

1 Notice be taken here, that the Named Police Officer is an Alameda County Sheriff's Deputy.

2 The Towing from Private Parking Lot under the Color and Authority of the California  
3 Vehicle Code is Unlawful and Unconstitutional and it Violates the Fourteenth Amendment Right  
4 to Taking of Property without Due Process of Law. It further Violates the Fourth Amendment  
5 Right to be Free from Unlawful Seizures of Private Property without a Seizure Warrant. The  
6 Owner of Parking did Not File a Complaint or Call the Named Dublin Police Officer who  
7 is in Reality a Alameda County Sheriff Deputy. Thus No Probable Cause for Seizure of my  
8 Vehicle (Private Property). The Authority under the California Vehicle Code to Tow form Private  
9 Property (Parking Lot) does Not Exist. Thus Wrongful and Unlawful Tow from Private Property.

10 See: Ann.Cal.Vehicle Code § 22852.-Id. U.S.C.A. Const.Amend. 14. Perry v. Village of Arlington Heights, 905 F.Supp. 465.

11 The California Vehicle Code has NO JURISDICTION upon a Private Parking Lot or  
12 Private Property that is Not Owned by the Public. Thus Rendering the Tow as Unlawful  
13 and Unauthorized. City Ordinances that Grant Police Powers and Vehicle Code Jurisdiction to  
14 a Private Parking Lot are Unconstitutional on their Face and without Lawful Affect. The Towing  
15 of my Vehicle from a Private parking Lot for a Vehicle Code and or Penal Code Violation  
16 is Unlawful and a Misuse of Power possessed by State Law.

17 The Named Defendant Police (Deputy Sherif) was told by me that I was a Private  
18 Parking Lot (Private Property) and the Vehicle Code has No Jurisdiction. I made this Claim  
19 3 times to this Deputy Sherif. She just stated to me they have an agreement with Property  
20 Owners to enforce California Vehicle Code. That argument does Not hold water.

21 The Deputy Sheriff must have known that her Acts, Action and Act of Omission where



1 in Violation and Deprivation of my Civil and Constitutional Rights. Action under the Color of  
 2 State Law and or in Excess or Misuse of Authority see:

3  
 4 Henig v. Odoroso, C.A. 3 (Pa.) 1967, 385 F.2d 491, certiorari denied 88 S.Ct. 1269, 390 U.S. 1016, 20 L.Ed.2d  
 5 166, rehearing denied 88 S.Ct. 1814, 391 U.S. 929, 20 L.Ed.2d 671. See, also, Basista v. Weir, C.A. 3 (Pa.) 1965,  
 6 340 F.2d 74; Baldwin v. Morgan, C.A. Ala. 1958, 251 F.2d 780; Geach v. Moynahan, C.A. Ill. 1953, 207 F.2d 714;  
Pickling v. Pennsylvania R. Co., C.C.A. Pa. 1945, 151 F.2d 240, rehearing denied 152 F.2d 753; Nugent v. Shep-  
pard, D.C. Ind. 1970, 318 F.Supp. 314;

7 The City of Dublin Police Services and Alameda County Sheriffs Department must Except  
 8 Responsibility and Liability also because they have Contracted their Police Services and Liability  
 9 to Suit. The Respondent Superior Doctrine is Not being Applied here because of Contractual  
 10 Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs  
 11 Department.  
 12

13 Let Judicial Notice be taken, here that **R Lance and Son** (Towing Agency) Seized,  
 14 Towed and Stored my Vehicle and is a Named Defendant and Co-Conspirator.  
 15

16 **(# 2.) - FALSE ARREST FROM PRIVATE PROPERTY.**

17 I was Falsely Arrested from Private Parking Lot Under the color of State Law for  
 18 Vehicle Code Violation. The Vehicle Code of California has No Jurisdiction on Private Property.  
 19 Thus the Named Dublin Police Officer had No Jurisdiction or Probable Cause for Arrest. The  
 20 Police Office Named **(JEAN ZEDLITZ #1625)**, must have and Should have Known that the  
 21 California Vehicle Code has No Jurisdiction upon a Private Parking Lot. The Named Police  
 22 did Arrest me without Probable Cause from a Private Parking Lot in Violation of the Fourth,  
 23 Fifth, and Fourteenth Amendments U.S. Constitution, 42 U.S.C.A. Section 1983 and Cruel and  
 24 Unusual Punishment of the Eighth Amendment. This is an Action that arises Under the Color  
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1 of State Law in violation of the Fourteenth Amendment. Let also Judicial Notice be taken here,  
2 that the Named Police Officer is an Alameda County Sheriff's Deputy.  
3

4 The Deputy Sherif must have Known that her Acts, Action, Omission and Acts of  
5 Omissions where Clearly in Violation thereof and a Deprivation of my Civil and Constitutional  
6 Rights. Let Judicial Notice be taken here, that I told this Deputy Sherif (Officer) 3 times  
7 that she was Arresting my from Private Property and I her for the Property Owners  
8 Permission and or Complaint against me. Thus a Clearly I established my Constitutional Civil  
9 Rights where being Violated and or Deprived. Probable Cause for Arrest for California Vehicle  
10 Code or Penal Code Violation Authority does NOT exist upon Private Property or Parking Lot.  
11 Thus Seizure of my Person was Unlawful, Unconstitutional and a Deprivation and Violation  
12 thereof my Civil and Constitutional Rights to Personal Liberty, to be Free from Restraint and  
13 Unlawful Imprisonment and or Arrest. This Right to Freedom from Restraint is Protected beyond  
14 the Due Process of Law clause of the Fourteenth Amendment. It Guaranteed by the Fourth,  
15 Fifth, Fourteenth, Ninth and the Privilege and Immunities Clause of the Federal Constitution.  
16 See: Edwards v. California, 314 U.S. 160, 177, 181 (1941). I have the Inalienable Constitutional and Civil  
17 Right to be Free in my Person. See: NEW YORK CITY BD. OF ESTIMATE v. MORRIS, 489 U.S. 688 (1989);  
18 MASSACHUSETTS BD. OF RETIREMENT v. MURGIA, 427 U.S. 307 (197  
19  
20  
21  
22

23 The INALIENABLE Constitutional and Civil Right to be Free from Arrest and Seizure  
24 of my Person is beyond the Right to Personal Liberty, it is Guaranteed by the Fourth  
25 Amendment as well: Henry v. United States, 361 U.S. 98 (1959); Johnson v. United States, 333 U.S. 10, 16-17  
26 (1948); Sibron v. New York, 392 U.S. 40, 62-63 (1968).  
27  
28

1  
2 The Probable Cause spoken of here is on Public and Not Private Property. Public  
3 Property is that property possessed and own and Regulated by the Public. Thus Violating My  
4 Fourth Amendment Right to be Free on Private Property or Parking Lot. This is True where  
5 I am about my Lawful Concerns and Legally Parked or moving about on that Private Parking  
6 Lot. The Police (Sherif Deputy Named) had No Jurisdiction and or Authority to Enforce Vehicle  
7 Code Violations upon Private Property or Parking Lot. **Thus I could Not have committed a**  
8 **Misdemeanor in the Deputy Sherif's sight**, to Establish Probable Cause. Even if the Police  
9 (Deputy Sherif Named) could establish that she has Permission to Patrol the Private Property  
10 and Parking Lot, the question of Vehicle Code and Penal Code Authority and Jurisdiction is  
11 still Lacking. Thus, establishing False and Unlawful Arrest in Excess of Lawful Authority and  
12 Jurisdiction and Creating a Claim and Cause of Action under the Color of State Law (Section  
13 1983). Since the Police (Deputy Sherif Named) did Not have an Arrest Warrant and or Signed  
14 Complaint or Call by the Property Owner, a Fourth Amendment Violation is Established, or a  
15 Tort Claim Cause of Action is Created. (A Bivens type Cause of Action). LET JUDICIAL  
16 NOTICE BE TAKEN HERE, THAT THE POLICE (DEPUTY SHERIF NAMED), DID NOT  
17 HAVE AN ARREST AND SEIZURE WARRANT NOR DID SHE HAVE A COMPLAINT OR  
18 OTHER FROM THE PROPERTY OWNER TO ARREST. See: Id. (quoting Terry v. Ohio, 392 U.S. 1, 19  
19 n.16 (1968)).

20  
21 The City of Dublin Police Services and Alameda County Sheriffs Department must Except  
22 Responsibility and Liability also because they have Contracted their Police Services and Liability  
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1 to Suit. The Mother Superior Doctrine is Not being Applied here because of Contractual  
2 Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs  
3 Department.  
4

5 **(# 3.) - SEIZING OF VEHICLE PROPERTY IN VIOLATION OF THE**  
6 **FOURTH AND FOURTEENTH AMENDMENTS.**

7 The Seizing of my Vehicle (Property) without Probable Cause and or a Fourth  
8 Amendment Warrant on Private Property, Constitutes a Biven Type of Action and a Section  
9 1983 Under the Color of State Law. The California Vehicle Code has No Jurisdiction upon  
10 Private Property and or Private Parking Lot. Thus Probable Cause can only be by Fourth  
11 Amendment Warrant and or Complaint from Owner of Private Parking Lot. Let also Judicial  
12 Notice be taken here, that the Named Police Officer is an Alameda County Sheriff's Deputy.  
13  
14

15 Seizures of Vehicles and other Property upon Private Property or Parking Lots without  
16 a Fourth Amendment Warrant Violate the Fundamental Principles of Constitutional Protection. It  
17 Violates the Very Principle of Liberty and Freedom and the Right to be Free from Unlawful  
18 and Unreasonable Search and Seizures. This **IS GOING TO STOP - NO FURTHER.** The Seizing  
19 upon or on a Private Parking Lot without Seizure Warrant in the Excuse of Vehicle Code  
20 Probable Cause is Unlawful. City Police Power Regulating Ordinances Drafted and written under  
21 the color and Guise of State Police Power, have No Authority or Jurisdiction upon or on  
22 Private Property or Parking Lots. I did **OBJECT 3 times** to the Offer (Sheriff Deputy Named)  
23 for the Warrant-less Arrest and Seizure of my Person and Vehicle Property on the Private  
24 Property and Parking Lot. Also for Lack of Probable Cause for Arrest and Seizure of my  
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1 Person and Vehicle Property.

2 The Fourth Amendment provides that:

3  
4 "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . ."

5 See: Bell v. Hood, 327 U.S., at 684 (footnote omitted); see Bemis Bros. Bag Co. v. United States, 289 U.S. 28,  
6  
7 36 (1933) (Cardozo, J.); The Western Maid, 257 U.S. 419, 433 (1922) (Holmes, J.). See: Bivens, 403 U.S. 388, 393.

8 The City of Dublin Police Services and Alameda County Sheriffs Department must Except  
9  
10 Responsibility and Liability also because they have Contracted their Police Services and Liability  
11 to Suit. The Respondent Superior Doctrine is Not being Applied here because of Contractual  
12 Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs  
13 Department.

14  
15 Let Judicial Notice be taken, here that **R. Lance and Son** (Towing Agency) Seized,  
16 Towed and Stored my Vehicle and is a Named Defendant and Co-Conspirator.

17  
18 **(# 4.) - ACTION UNDER THE COLOR OF STATE LAW.**

19 The Named Police Officer (**JEAN ZEDLITZ #1625**) acted under the Color of State  
20 Law and Local Ordinance in violation of the Fourteenth Amendment and the Fourth Amendment  
21 in the Unlawful and Wrongfully Seizing and Towing of my Vehicle from a Private Parking  
22 Lot. The Named Police (Sheriff Deputy) Clearly Acted under the Authority of City Ordinance  
23 and California Vehicle Code and Penal Code. The City Ordinance gives the Authority to Use  
24 the Police Powers and California Vehicle Code upon the Private Parking Lots in Excess of  
25 Limitations by the Federal and State Constitutions and Federal Law. A Private Parking Lot is  
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is Not Public Property and under the Jurisdiction and Regulation of the California and Dublin City Police Powers and California Vehicle Code. This Private Property and Parking Lot is Not proper and Lawful Subject of the Police Power Regulations and California Vehicle Code. The Individual's Liability in this Action under the Color of State Law and Local City Ordinance is also upon the City of Dublin and Alameda County. Because She the Sheriff Deputy acted under the County of Alameda and the City of Dublin Police Services Authority and Jurisdiction. The Sheriff Deputy did as she was Directed to do Acting in excess and with Misuse of Police Powers under the color and Guise of State Law and City Ordinance. See:

Henig v. Odoroso, C.A. 3 (Pa.) 1967, 385 F.2d 491, certiorari denied 88 S.Ct. 1269, 390 U.S. 1016, 20 L.Ed.2d 166, rehearing denied 88 S.Ct. 1814, 391 U.S. 929, 20 L.Ed.2d 671. See, also, Basista v. Weir, C.A. 3 (Pa.) 1965, 340 F.2d 74; Baldwin v. Morgan, C.A. Ala. 1958, 251 F.2d 780; Geach v. Moynahan, C.A. Ill. 1953, 207 F.2d 714; Picking v. Pennsylvania R. Co., C.C.A. Pa. 1945, 151 F.2d 240, rehearing denied 152 F.2d 753; Nugent v. Shepard, D.C. Ind. 1970, 318 F.Supp. 314; Culbertson v. Leland, C.A. 9 (Ariz.) 1975, 528 F.2d 426.

Let Judicial Notice be taken here that the Property Owner(s) may also share Liability by agreement with the Named Defendants pursuant to a Conspiracy in Excess and Misuse of Police Powers in False Arrest and Imprisonment; Unlawful and Wrongful Tow and Seizing of my Vehicle Property.

A § 1983 conspiracy claim may arise when a private actor conspires with a state actor to deprive a person of a constitutional right under color of state law. Dixon v. City of Lawton, Okl., CA10 (Okl.) 1990, 898 F.2d 1443.

Thus, Creating and Establishing Causes of Actions and Claims of False Arrest and Imprisonment; Unlawful Seizure of my Person Fourth Amendment; Unlawful and Wrongful tow and Seizing of my Vehicle Property under Fourth and Fourteenth Amendments; Cruel and Unusual Punishment all under the Color of State Law Section 1983.

## **# 5.) - CITY OF DUBLIN CALIFORNIA AND POLICE DEPARTMENT AUTHORITY USED IN SEIZURE OF MY PERSON AND VEHICLE**

**PROPERTY.**

The Named Police Officer (**JEAN ZEDLITZ #1625**) Acted under the Authority of the City of Dublin and Dublin Police Department City Ordinance and Agreement with Parking Lot Owner. The Vehicle Code of California has No Authority upon Private Land or Private Parking Lots. Thus Local City Ordinance, Rule and Agreement with Property Owner are also the parties of Interest. Thus they are Parties of Responsibility also. Thus, they are Responsible for all Acts also because the Police Officer Acted under their Authority, Guidance and Training. Let also Judicial Notice be taken here, that the Named Police Officer is an Alameda County Sheriff's Deputy. Thus the City of Dublin Police Services and the County of Alameda are Liable also because they gave her the Authority and must have Granted Incident Action taken against me. The Named Police (Sheriff Deputy) was in constant Voice communication with the Police Dispatch and the Alameda County Sheriffs Department. Thus they her Superiors where in Total Agreement with the (Deputy Sheriff's) Acts of Deprivation, Acts in Excess and with Misuse of Power under the Color of Police Powers, California Vehicle Code and Penal Code, plus City Ordinance. Thus Alameda County and City of Dublin Police Services have full liability as Named Defendants, Not Mother Superior Doctrine but as Ordering her to Act of Deprivation. Thus the City of Dublin Police Services and Alameda County bear equal Liability in Sheriff Deputy's Deprivation of my Civil and Constitutional Rights and Misuse and Acts in Excess of Lawful Authority and Jurisdiction. See: Continental Casualty Co. v. United States, 113 F.2d 284 (5th Cir. 1940);

It must be Recognized here that the City of Dublin Police Services and County of Alameda Ordinances and Practices and Training of Police (Deputy Sheriffs), where thus Instructed

1 that the California Vehicle Code had Jurisdiction and Authority upon Private Property and  
2 Parking Lots. The Police Deputy Sheriff must have Known that the Vehicle Code has No  
3 Authority and Jurisdiction upon Private Property and Parking Lot. The City of Dublin or County  
4 of Alameda Does Not have the Authority to Delegate Authority they do Not possess. The Police  
5 (Deputy Sheriff) has a Duty to know the Law and Know what her Authority is and what is  
6 in Excess of her Authority and Jurisdiction of the Police Powers. It is at her Peril that she  
7 Exercises the Power of Arrest and Seizure of Persons and Property. The Named Officer (Sheriff  
8 Deputy) must have Known that Probable Cause for an Arrest from Private Property or Parking  
9 Lot can Not be Had by the California Vehicle Code Violation. A Contract with the Own or  
10 Not the Police Powers under the Vehicle Code is Lacking. See: P.B. v. Koch, C.A.9 (Idaho) 1996, 96  
11 F.3d 1298.

12  
13 Let Judicial Notice be taken here that I Objected timely to the Police (Sheriff Deputy)  
14 that I was on Private Property or Parking Lot and her Probable Cause under the Vehicle Did  
15 Not have Authority or Jurisdiction. The City of Dublin Police Services are Responsible here also  
16 and share Liability with their Police Officer's, Contracted Alameda County Sheriff Deputies and  
17 other Agents Representing them. The City Authority to do the Act of Deprivation is one of  
18 the Causes.

19  
20 The City of Dublin Police Services and Alameda County Sheriffs Department must Except  
21 Responsibility and Liability also because they have Contracted their Police Services and Liability  
22 to Suit. The Mother Superior Doctrine is Not being Applied here because of Contractual  
23 Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs  
24



1 Department.

2 Let Judicial Notice be taken, here that **R Lance and Son** (Towing Agency) Seized,  
3 Towed and Stored my Vehicle and is a Named Defendant and Co-Conspirator.  
4

5  
6 **(# 6.) - FALSE IMPRISONMENT.**

7 The Named Police Officer <sup>1</sup>(JEAN ZEDLITZ #1625) Did Falsely Imprison me at  
8 Santa Rita County Jail (Alameda County). Thus Responsibility of False Imprisonment falls on  
9 Alameda County and the City of Dublin California. Since I was Imprison at Santa Rita which  
10 is Owned and Operated by the County of Alameda and its within the City of Dublin  
11 California's Property, Thus, Alameda County and the City of Dublin California share Liability.  
12 Let also Judicial Notice be taken here, that the Named Police Officer is an Alameda County  
13 Sheriff's Deputy. Thus establishing a Cause of Action against the City of Dublin California and  
14 Alameda County.  
15

16  
17 The City of Dublin Police Services and the Alameda County Sheriff's Department held  
18 False Imprisonment of my Person. I was held for a Misdemeanor Vehicle Code Violation in  
19 Police Officer Traffic Jurisdiction upon a Private Parking lot (Private Property). There can be  
20 No Vehicle Code Violations on Private Parking lots to establish Probable Cause for an Arrest  
21 or Detention and Seizure of my Person. I was Held against my Will without Lawful Probable  
22 Cause and or Fourth Amendment Arrest Warrant. See: Mallory v. United States, 354 U.S. 449, 454 (1957).  
23

24 The Police (Sheriff Deputy could Not have established Probable Cause from the California  
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26

27  
28 <sup>1</sup>Alameda County Deputy Sheriff Officer contracted to the Dublin Police Services.

1 Vehicle Code upon Private Property and Parking Lot. See: Alabama v. White, 496 U.S. 325 (1990).

2 The Reasonable Suspicion cannot Exist on Private Property and Parking Lot from the  
3 Violation of the California Vehicle Code. The Named Police (Deputy Sheriff) did Not Receive  
4 a Complaint about my Conduct from the Property Owner. A Call from the Property Owner is  
5 a Required Element of Probable Cause for Arrest on Private Property. The Nexus of Probable  
6 Cause for an Arrest and Seizure of my Person from Private Property and Parking Lot must  
7 be a Complaint from the Property Owner or Administrator. Thus, Probable Cause can Not Exist  
8 in Lawful Terms. The Police (Deputy Sheriff) did Not have a Felony Probable Cause Warrant  
9 for my Arrest on her Person. Thus failing another Required Element for Probable Cause for  
10 Arrest and Seizure of my Person upon Private Property and Parking Lot. The Police Powers  
11 must be Limited to its Proper and Lawful limits. The **Fourth and Fourteenth Amendments U.S.**  
12 **Constitution** stand as Barrier against Unlawful Seizures and Arrest of Persons and Property upon  
13 Private Property. The Public and or State Interest has No Jurisdiction and or Authority upon  
14 Private Property and Parking Lots of the State. Compelling Public Interest Cannot be Argument  
15 for the Exercising of the Police Powers and California Vehicle Code upon Private Property and  
16 Parking Lot. The Public cannot choose to Regulate by the California Vehicle Code upon Non  
17 Public Property. See: (7 McQuillin, Municipal Corporations, 1968 Rev. Vol., § 24.322, pp. 201-202.) Harriman v. City  
18 of Beverly Hills, 275 Cal. App.2d 918.

19 The Police Powers have No Authority or Jurisdiction upon Private Property and Parking  
20 Lots. The Public Interest Argument that the sale of Food or other Regulateable Items support  
21 the Vehicle Code Regulations upon them MISSES THE Constitutional Mark. The Public Good  
22

1 Police Powers must Yield to Private Property and Parking Lots, for they are Not a Proper  
2 Subject of the Police Powers and California Vehicle Code. It is attempt at Malicious Prosecution  
3 and False Arrest and Seizure of my Person, to Use the California Vehicle Code as the  
4 Authority of Probable Cause. See: Washington v. Summerville, 127 F.3d 552, 559 (7th Cir. 1997), cert. denied,  
5 118 S. Ct. 1515 (1998); Reed, 77 F.3d at 1053-54.  
6

7 To Falsely Arrest me and Seize my Person Unlawfully from Private Property without  
8 Lawful Probable Cause Creates a Cause of Action under Section 1983 for False Arrest and  
9 False Imprisonment.  
10

11 I was Held (Imprisoned) at Santa Rita Jail overnight against my Will and over my  
12 OBJECTION without Lawful Cause. I was Denied my Fourth and Fourteenth Amendment Rights  
13 to be Secure from False Arrest, Seizure of my Person and False Imprisonment against my Will.  
14 I was Not given an Arrest Warrant for Arrest and Seizure of my Person from Private Property.  
15 I was Paraded around the Public as a Convicted Murderer, Criminal or Bad Person. I was  
16 Denied the Dignity of Privacy, the God-given Right to Freedom from Restraint, and the Right  
17 to Personal Liberty. I was Unlawfully, Unjustly and in Violation of my Constitutional and Civil  
18 Rights subjected to and Treated like a Criminal without Cause. I was Denied the UNALIENABLE  
19 Right to Freedom from Unlawful and Unjustified Arrest. See: SANDIN v. CONNER, 515 U.S. 472 (1995).  
20  
21

22 The City of Dublin and the other Named Defendants have Not Demonstrated a Special  
23 or Emergency Circumstance to warrant an Arrest and Seizure of my Person upon Private  
24 Property and Parking Lot. Thus Police Power Regulation or Condition for Probable Cause under  
25 California Vehicle Code, upon Private Property must be Held as Not Valid and without  
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27  
28

1 Authority. Thus, Creating and Establishing Cause of Action for False Arrest, False Imprisonment  
2 and Unlawful Seizure of my Person under Section 1983. The United States of America stands  
3 for Freedom, Liberty and Justice for All. See: United States v. Reese, 92 U.S. 214, 218; BELL v. MARYLAND,  
4 378 U.S. 226 (1964)..  
5

6 I have Inalienable Right to be Free from Unlawful and False Arrest and Imprisonment  
7 is an Unalienable Right. There can be No Good-Faith Qualified Immunity for a Police (Deputy  
8 Sheriff) that acts without Lawful Authority or Jurisdiction to Act. The Police (Sheriff Deputy)  
9 had to known or must have Known that the California Vehicle Code had No Authority and  
10 or Jurisdiction upon Private Property and Parking Lots. A Police (Sheriff Deputy) cannot Claim  
11 Acting in Good Faith in False Arrest, Seizure of my Person and False Imprisonment Actions.  
12 Let Judicial Notice be taken here that, I did Warn and Object to being Seized and Arrested  
13 from Private Property and Parking Lot on Vehicle Code or Penal Code Authority. Let further  
14 Judicial Notice be Taken, here that I Established and Claimed a Valid Constitutional and  
15 Civil Right to the Police (Sheriff Deputy). I Objected to her Violation of my Civil and  
16 Constitutional Rights on Private Property. I Clearly Established my Right to be Free from  
17 Unlawful and False Arrest, Seizure of my Person, False and Unlawful Imprisonment. See:  
18 Roblechaud v. Ronan, (9th Cir. 1965) 351 F.2d 533. I have Not Surrendered my Constitutional and Civil  
19 Rights to the State of California.  
20  
21  
22  
23

24 Thus, Claim and Cause of Action under Section 1983 is Established for False and  
25 Unlawful Imprisonment False and Unlawful Arrest and Unlawful Seizure of my Person, under  
26 the Color of State Law.  
27  
28



**(# 6.) - FALSE IMPRISONMENT.**

I must bring the Charge of CRUEL and UNUSUAL PUNISHMENT against the County of Alameda who runs and Controls the Santa Rita Jail. I bring this Charge for being forced to Confinement in a Jail Room that is Dirty, Unhealthy, and Toilet is Dirty, Unhealthy and the Only Drinking water is above that Toilet. It Violates my Right to be Free from Cruel and Unusual Punishment and the Basic Human Rights to be Treated with Dignity Confined in a Jail that is Humane and Clean. I bring this Charge against Alameda County Sheriffs Department, the City Dublin Police Services who uses Santa Rita Jail and the Named Police Officer (Sheriff Deputy) the all bear Liability and Responsibility. Being Jailed for even one Night is an Act Under the Color of State Law Vehicle Code and Penal Code. I Have the Constitutional and Civil Right to be Treated Fairly and Imprisoned even for just a Day in Humane Conditions that are Free from Health Hazards and that Provide the Basic Requirements of Protection of Life. I have Unalienable Civil and Constitutional Right to Protection of my Life against Unhealthy Imprisonment. 6 Men Imprisoned in a Cement Cell without Sleeping Necessities such as Mattress, Pillow, and Blanket for comfort and the Protection of Life. Being forced to sleep in Cold Cell on Cold, Hard Cement Floors or Bench with No Blankets, Pillow or Mattress is INHUMANE. I am a Free Man being Held against my Will in Inhumane and Unhealthy Imprisonment Conditions that Fail the Health Standard is Unlawful and a Violation of my Civil and Constitutional Rights. It is further Cruel and Unusual Punishment. See: HUTTO v. FINNEY, 437 U.S. 678 (1978).

Forced Confinement (Imprisonment) In Unhealthy and Inhumane and Dirty Conditions that

1 present real Health Hazards to the Protection of my Life violates my God-given Unalienable  
2 Right. The First Cell I was Detained in was Dirty and Filthy with old Food on the Floor,  
3 A Dirty and Unhealthy Toilet with Drinking Water above that Toilet. Is this Humane Treatment  
4 and Dignity being shown to me? A Dirty Cell with a Phone that doesn't work for 5 hours,  
5 this is the First Cell. The Second Cell, Dirty with 25 Men in a 12 by 18 Cell with a Dirty  
6 Toilet and a Drinking Fountain that is Dirty above that Toilet. No place to sleep except hard  
7 cement floor too many man in this cell, overcrowded. The third Cell 6 Men Imprisoned in a  
8 Cement Cell without Sleeping Necessities such as Mattress, Pillow, and Blanket for comfort and  
9 the Protection of Life. Being forced to sleep in Cold Cell on Cold, Hard Cement Floors or  
10 Bench with No Blankets, Pillow or Mattress is INHUMANE. I am being Punished in In-Humane  
11 Cells and Sleeping Quarters because I Violated the California Vehicle Code upon Private  
12 Property. It was also a Night that the City Police (Sheriff Deputies) had to Arrest as many  
13 People as possible to make more money for the City of Dublin. In-Humane Treatment and All,  
14 and Punishment for Misdemeanor Crimes. 356 U.S. at 99-100. Estelle v. Gamble, supra, at 102, quoting  
15 Jackson v. Bishop, 404 F.2d 571, 579 (CA8 1968).

16 The idea Cruel and Unusual Punishment in Inhumane and Unhealthy and Denied the basic  
17 Fundamental Needs for the protection of Life and being Held against my Will Unlawfully is  
18 Deprivation and Punishment at the Highest Level.

19 The City of Dublin Police Services and Alameda County Sheriffs Department must Except  
20 Responsibility and Liability also because they have Contracted their Police Services and Liability

to Suit. The Mother Superior Doctrine is Not being Applied here because of Contractual Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs Department.

### **(QUALIFIED IMMUNITY)**

The Named Police (Sheriffs Deputy) cannot Claim Qualified and or Good Faith Immunity as a Defense. I Clearly Objected and Established my Civil and Constitutional Rights and that the Named <sup>2</sup>Officer was Arresting me and Seizing my Person and Vehicle Property from Private Property and Parking Lot and that the California Vehicle Code has No Jurisdiction or Authority. Let Judicial Notice be taken her that I made this same OBJECTION 3 times. The <sup>3</sup>Police told me that she did Not Care because the Property Owner and City have a Contract for Police to give Security on the Private Property and Parking Lots. This still does Not give the California Vehicle Code Jurisdiction and Authority for Probable Cause for Arrest and Seizure of my Person and Vehicle Property. See: Wilson v. Layne, (U.S. Md. 1999) 526 U.S. 603, 119 S. Ct. 1692, 143 L. Ed. 2d 818. see also: Saucier v. Katz, (U.S. 2001), 533 U.S. 194, 121 S. Ct. 2151, 150 L. Ed. 2d. 272.

I Clearly Established my Right to Freedom, Liberty and Right to Possess my Vehicle Property and keep it from being Unlawfully Seized and my Person from being Unlawfully Arrested and Seized without Probable Cause under the Color of California Vehicle Code.

The Named Officer must have Known and or should have Known that the California Vehicle Code has No Jurisdiction and or Authority upon Private Property and Parking Lot.

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<sup>2</sup> Deputy Sheriff JEAN ZEDLITZ #1625

<sup>3</sup> Deputy Sheriff JEAN ZEDLITZ #1625

1 See: P.B. v. Koch, C.A.9 (Idaho) 1996, 96 F.3d 1298.

2 The Named Police (Sheriff Deputy) cannot Claim or Rely on that she Relied in Good  
3 Faith that her Arrest, Seizure of my Person and Vehicle Property where Lawful. I Clearly  
4 Objected 3 times stating that her Reliance in Good Faith upon the California Vehicle Code,  
5 for Probable Cause for Arrest and Seizure of my Person and Property was Not Valid and  
6 Unlawful. The Violation of my Clearly Established Right and being told that the California  
7 Vehicle Code has No Jurisdiction and Authority upon Private Property and Parking Lot Vitiates  
8 any Good Faith Defense Claims. Acting absent of Authority and in excess of Jurisdiction and  
9 or Authority in Deprivation of Clearly Established Constitutional and Civil Rights Invalidates  
10 Claim of Good Faith. The Defense of acting in Good Faith is Invalidated where the Officer  
11 Arrested and Seized my Person in Clear Violation of Authority, and Jurisdiction upon Private  
12 Property and Parking Lot. Acting in Good Faith is Not to be inferred where the Officer acted  
13 in Excess or Absent Authority and Jurisdiction of State Law (California Vehicle Code).  
14 me that she did Not Care because the Property Owner and City have a Contract for Police  
15 to give Security on the Private Property and Parking Lots. This still does Not give the  
16 California Vehicle Code Jurisdiction and Authority for Probable Cause for Arrest and Seizure  
17 of my Person and Vehicle Property. See: Wilson v. Layne, (U.S. Md. 1999) 526 U.S. 603, 119 S. Ct. 1692, 143  
18 L. Ed. 2d 818. see also: Saucier v. Katz, (U.S. 2001), 533 U.S. 194, 121 S. Ct. 2151, 150 L. Ed. 2d. 272.

19 I Clearly Established my Right to Freedom, Liberty and Right to Possess my Vehicle  
20 Property and keep it from being Unlawfully Seized and my Person from being Unlawfully  
21 Arrested and Seized without Probable Cause under the Color of California Vehicle Code.  
22  
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1 The Named Officer must have Known and or should have Known that the California  
2 Vehicle Code has No Jurisdiction and or Authority upon Private Property and Parking Lot.  
3 The Named Police (Sheriff Deputy) cannot Claim or Rely on that she Relied in Good  
4 Faith that her Arrest, Seizure of my Person and Vehicle Property where Lawful. I Clearly  
5 Objected 3 times stating that her Reliance in Good Faith upon the California Vehicle Code,  
6 for Probable Cause for Arrest and Seizure of my Person and Property was Not Valid and  
7 Unlawful. The Violation of my Clearly Established Right and being told that the California  
8 Vehicle Code has No Jurisdiction and Authority upon Private Property and Parking Lot Vitiates  
9 any Good Faith Defense Claims. Acting absent of Authority and in excess of Jurisdiction and  
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11 Claim of Good Faith. The Defense of acting in Good Faith is Invalidated where the Officer  
12 Arrested and Seized my Person in Clear Violation of Authority, and Jurisdiction upon Private  
13 Property and Parking Lot. Acting in Good Faith is Not to be inferred where the Officer acted  
14 in Excess or Absent Authority and Jurisdiction of State Law (California Vehicle Code). See:  
15 Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982); P.B. v. Koch, C.A.9 (Idaho) 1996, 96 F.3d 1298. See also Herb Hallman  
16 Chevro-let, Inc. v. Nash-Holmes, No. 97-15275, 1999 WL 104736 (9th Cir. Mar. 3, 1999). Anderson v. Creighton, 483  
17 U.S. 635 (1987); Allen v. Sakai, 48 F.3d 1082, 1087 (9th Cir. 1994).

18 It is Clearly a Common Law Rule and Constitutional Rule that the State Police Powers  
19 Do Not have Jurisdiction and Authority upon Private Property not owned by the State, County  
20 or City. Thus the Named Police (Sheriff Deputy) Clearly MUST HAVE KNOWN that her  
21 Probable Cause from the Vehicle Code for an Arrest and Seizure of my Person and Vehicle  
22

1 Property was Not Valid. This is Especially True where I OBJECTED 3 times and told the  
2 Officer that her actions where Not Valid upon Private Property and Parking Lot. I Clearly and  
3 Repeatedly Established my Constitutional and Civil Right against Unlawful, Arrest and Seizure  
4 of my Person and Vehicle Property. See: Portland v. Bagley, 988 F.2d 868, 871 (9th Cir. 1993); see also  
5 Anderson v. Creighton, 483 U.S. 635, 641 (1987) .

7 The Fourth Amendment is Very Clear about Probable Cause for an Arrest and Seizure  
8 of my Person upon a Private Property and Parking Lot. The Police (Sheriff Deputy Named) did  
9 Not Have a Complaint from the Property and Parking Lot Owner and a Fourth Amendment  
10 Warrant for my Arrest which would be Probable Cause for an Arrest. Thus Good Faith Defense  
11 is not Valid because of Acting in Absents of all Jurisdiction and or Authority. Reliance in  
12 Good Faith cannot be used where an Office has Clearly acted outside of Lawful Authority and  
13 in Absence of Jurisdiction. Good Faith is Not a Valid Claim for Defense of Violation of a  
14 Clearly Established Right and in Violation of Authority and in Absence of Jurisdiction. See:  
15 Glasson v. Louisville, 518 F.2d 899, 909, cert denied, 423 U.S. 930, citing Butler v. United States, 365 F. Supp. 1035,  
16 1045. Glasson v. City of Louisville, 518 F.2d 899, 909 (9th Cir 1975), Pelerson v. Ray, 386 U.S. 547 (1967); Monroe v.  
17 Pape, 365 U.S. 167; Scott v. Vandiver, 476 f.2D (4th Cir 1973); Rodriques v. Jones, 473 F.2d 599 5th Cir 1973); Dowsey  
18 v. Wilkins, 467 F.2d 1022 (5th Cir 1972).

23 Exercising of Police Power Regulation (California Vehicle Code) upon Private Property and  
24 parking Lot is an Unlawful and Unconstitutional expansion of Police Powers beyond their  
25 Lawful Limits. The Named Police (Deputy Sheriff), the City of Dublin Police Services, the  
26 County of Alameda Sheriffs Department all share an Equal Liability for the Deprivation and  
27  
28

Violation of my Civil Rights under the Color and Guise of State Law, Local City Ordinance and or Custom. The City of Dublin Police Services are Responsible here also and share Liability with their Police Officer's, Contracted Alameda County Sheriff Deputies and other Agents Representing them. The City Authority to do the Act of Deprivation is one of the Causes. Let Judicial Notice be taken here that the City of Dublin Contract with the Alameda County Sheriffs Department for Police Services with Deputy Sheriffs. Thus a Conspiracy to act under an Proven Agreement and or Contract is Established of 2 or more Persons. A City or Municipal Government is a person Under a Conspiracy Theory. The City of Dublin Police Services must Except Responsibility and Liability also because they have Contracted their Police Services and Liability to Suit. The Mother Superior Doctrine is Not being Applied here because of Contractual Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs Department. See: *Scheuer, I'* 416 U.S. at 245, 94 S.Ct. at 1691.

The City of Dublin Police Services and the County of Alameda Sheriffs Department are Not Immune from suit: See: *Brandon v. Holt*, 469 U.S. 464, 473 (1985); see also: *Chew v. Gates*, 27 F.3d 1432, 1439 (9th Cir. 1994).

Thus for the Fallowing Lawful Reasons, Qualified and Good Faith Immunity cannot be Claimed:

- \* California Vehicle Code has No Authority and or Jurisdiction upon Private Property and Parking Lot.
- \* Probable Cause From California Vehicle Code Violations did Not have Jurisdiction and Authority on Private Property and Parking Lots.
- \* I have Clearly Established my Civil and Constitutional Right Violation and or Deprivation.
- \* Police (Deputy Sheriff Name) acted absent Jurisdiction and or Authority upon Private Property and

1       Parking Lot.

2       \*       Police (Deputy Sheriff Named) acted Unlawfully In Arresting and Seizing my Person and Vehicle  
3       Property on Private Property and Parking Lot.

4       \*       No Complaint from Property and Parking Lot Owner and Fourth Amendment Seizure Warrant for  
5       Arresting and Seizing my Person and Vehicle Property - NO PROBABLE CAUSE.

6       \*       Contractual Agreement between City of Dublin Police Services, Alameda County Sheriffs Department, and  
7       Named Police (Sheriff Deputy).

8       \*       I Objected and warned Police (Deputy Sheriff) Named 3 time that Probable Cause did Not Exist  
9       because Authority and Jurisdiction from the Vehicle Code upon Private Property was Lacking.

10       \*       Subjective Good Faith is Lacking because of lack of Authority and Absent Jurisdiction of Vehicle Code  
11       upon Private Property and Parking Lot.

12       See: Owens v. The City of Independence, 445 U.S. 622 (1980). (Director General vs Kastenbaum, 362 U.S. 25).

13       Thus, Subjective Good Faith is Not Present or Allowable because Authority and  
14       Jurisdiction absent and or Lacking. The Police (Deputy Sheriff Named) Clearly Must have  
15       Known that her Authority and Jurisdiction was Lacking. She the Named Police (Deputy Sheriff  
16       Named) Intentionally, Willfully, Knowingly with Wanton Intent on Malice Acted in Violation of  
17       and in Deprivation of my Federal Constitutional and Civil Rights. The Named Police (Sheriff  
18       Deputy Clearly must have Known that her Acts of Deprivation where in Violation of my Civil  
19       and Constitutional Rights. Violation of her Police Powers Authority and Jurisdiction by exercising  
20       California Vehicle Code Authority on Private Property and Parking Lot leaves No Excuse of  
21       Good Faith. I Proves Reckless attempted Expansion of California and City of Dublin Police  
22       Powers beyond their Constitutional Limits.

23       There are Constitutional Limitations upon the Police to Exercise Police Powers upon  
24       Private Property and Parking Lots and against the Advocation of Creation of Police State. Thus  
25  
26  
27  
28



1 the Police are Inhibited by the Constitutional Protections from exercising Police Powers and a  
2 Police State upon Private Property and Parking Lots. The Authority and Jurisdiction of the  
3 Police Powers and Vehicle Code is Not in the Discretion of a Police (Deputy Sheriff Named).  
4  
5 Private Property and Parking Lots are Not Public Property and a Proper Subject of the Police  
6 Powers and California Vehicle Code.

7 Let Judicial Notice be taken here that the Police (Sheriff Deputy) is a Supposed Police  
8 Professional with Training and Some Law Classes. With the Training and Knowledge necessary  
9 to become a Police Officer and or Sheriff Deputy it must be Assumed that Named Must Have  
10 Known that her Conduct was in Violation of Constitutional and Civil Rights. See: Harlow v.  
11 Fitzgerald, 457 U.S. 800, 818 (1982).  
12

13  
14 Thus there can be No Subjective Good Faith Claim.

15 Let this Court take Further Judicial Notice that, Immunity from Suit Violates my Right  
16 to Remedy for a Damage done to my Personal and Vehicle Property. Mary M. v. City of Los Angeles,  
17 814 P.2d 1341, 1348 (Cal. 1991) ("a governmental entity can be held vicariously liable when a police officer acting in the  
18 course and scope of employment uses excessive force or engages in assaultive conduct"); Scruggs v. Haynes, 60 Cal. Rptr.  
19 355, 360 (Ct. App. 1967).  
20  
21

## 22 **(# 8.) - DENIAL OF FORFEITURE HEARING.**

23 My Vehicle Property was sold and I was Denied a Forfeiture Hearing. Let Judicial  
24 Notice be Taken here that I made Several Demands for a Forfeiture Hearing with the City of  
25 Dublin Police Services and Tow Agency. I was effectively Denied this Due Process of Law  
26 Right to Forfeiture Hearing of Vehicle Property and the Right to Just Compensation See:  
27  
28

1 CALERO-TOLEDO v. PEARSON YACHT LEASING CO., 416 U.S. 663 (1974). See also: (People v. One 1941 Ford 8  
 2 Stake Truck, 26 Cal.2d 503 [159 P.2d 641]; People v. One 1941 Chrysler Tudor, supra; People v. One 1941 Buick Sport  
 3 Coupe, supra.

4  
 5 The Right to a Forfeiture Hearing and Jury Trial is a Common Law Right. See: People  
 6 v. One 1941 Chevrolet Coupe, 37 Cal.2d 283. The Right to a Post Forfeiture Hearing, Jury Trial cannot  
 7 be defeated or watered down out of Existence by the California Legislature. This Forfeiture  
 8 Hearing Right cannot be Denied because of a Police Power Regulation. See: People v. One 1941  
 9 Chevrolet Coupe, 37 Cal.2d 283. The Absolute Right to Trial by Jury cannot be defeated by  
 10 California Legislature:

11  
 12 "Colon v. Lisk, 13 App.Div. 195, 202 [43 N.Y.S. 364, 369]; State v. 1920 Studebaker, 120 Ore. 254 [251 P. 701,  
 13 50 A.L.R. 81]. The introduction of a new subject into a class renders it amenable to its general rules, not to its  
 14 exceptions. "Wood v. City of Brooklyn, 14 Barb. 425, 432; Cooley, Constitutional Limitations, 8th ed. vol. I, pp.  
 15 668-674. Cf. Moore v. Purse Seine Net, 18 Cal.2d 835, 837 [118 P.2d 1]. People v. One 1941 Chevrolet Coupe  
 16 , 37 Cal.2d 283.

17 (Union Insurance Co. v. United States, 73 U.S. 759, 764-766 [18 L.Ed. 879]; Armstrong's Foundry, 73 U.S. 766,  
 18 769 [18 L. Ed. 822]; United States v. Yamoto, 50 F.2d 599, 600; see, also, Dobbins v. United States, 95 U.S.  
 19 395, 404 [24 L. Ed. 637]; Goldsmith, Jr.-Grant Co. v. United States, 254 U.S. 505, 509 [41 S. Ct. 189, 65 L. Ed.  
 20 376]; Kent's Commentaries 375-376.; People v. One 1941 Chevrolet Coupe, 37 Cal.2d 283.

21 Thus, Securing and Protecting my Fourteenth Amendment Inalienable Right to a  
 22 Forfeiture Hearing as a Guaranteed Right to Due Process of Law. This is Not just a Right  
 23 to Due Process of Law, but an Unalienable and Inalienable Right.

24 Thus, placing my Vehicle Property beyond Legislative Conditions and Prohibitions that  
 25 allow the Police Powers to sell Forfeited Property without a Full Jury Trial in a Forfeiture  
 26 Hearing.

1 The City of Dublin Police Services and <sup>4</sup>Named Towing Agency have to Pay Just  
 2 Compensation for my Vehicle Property that was taken from me Under the Color and Guise  
 3 of Police Power Regulation (California Vehicle Code). Forfeiture of this Vehicle Property without  
 4 being Afforded and or being Denied the Right to a Forfeiture Hearing is Denial of Protection  
 5 of the Right to Property and or taking of Private Property without Due Process of Law. The  
 6 Very Fundamental Principle and Structure of the Right to Property is the Protection of it by  
 7 the Constitution and the Laws of the United States. It is the Duty and Obligation of this  
 8 Court Mandated by the Federal Constitution to the Protection of Property. The City of Dublin  
 9 cannot be allowed to Take Private Property without Justification, Forfeiture Hearing and Just  
 10 Compensation. Any other Outcome is a Violation of the Principles of Liberty, Freedom and  
 11 Justice for All.

12 Failure of the City of Dublin and R. Lance & Son to Provide a Post Forfeiture Hearing  
 13 and to Subsequently sell my Private Property (Vehicle) without Due Process of Law (Forfeiture  
 14 Hearing) Jury Trial creates a Cause of Action under Section 1983. See: Desert Outdoor Advertising,  
 15 Inc., v. City of Moreno Valley, CA 9, (Cal.) 1996, 103 F.3d 814, Cert. Den., 522 U.S. 912, 118 S. Ct. 294, 139 L. Ed. 2d 330.

16 Thus, firmly Establishing a Cause of Action under Section 1983 for Failure taking and  
 17 Selling of Private Property without due Process of Law (Forfeiture Jury Trial Hearing).

## 18 **(# 9.) - CONSPIRACY UNDER THE COLOR OF LAW.**

19 I must also bring the Claim of Actions under the Color of State Law Pursuant to a

---

20 <sup>4</sup> R Lance & Son (Towing Agency), Named Defendant.

1 Conspiracy. The Named Defendants all acted Pursuant to a Contractual Agreement in acts,  
2 Actions of Actual Deprivations and Violations of my Civil and Constitutional Rights. They all  
3 Acted in Agreement Pursuant to the Same Conspiracy. They acted with the Same Agreement  
4 and Pursuant to the Same Deprivation and Violation of my Civil and Constitutional Rights  
5 under the Color of State Law. See: Lawline J. v. American Bar Ass n., N.D.Ill. 1990, 738 F.Supp. 288,  
6 affirmed 956 F.2d 1378, certiorari denied 114 S.Ct. 551, 126 L.Ed.2d 452.  
7

8  
9 The Evidence of a Conspiracy here the Police (Sheriff's Deputy) Stopped me and  
10 Arrested and Seized my Person upon Private Property then Called the Tow Company R Lance  
11 and Sons who Seized and Towed my Vehicle Property. This was all Carried out with the City  
12 of Dublin Agreement with the Property Owners to provide Police Services (Security) for Private  
13 Property. The Named Creditor carried out a Credit Collection from a Lien upon my Vehicle  
14 Property under an Agreement with R Lance & Son Towing Agency.  
15

16  
17 All the Named Defendants did Act Pursuant to a Conspiracy to Deny, Deprive and  
18 Violate my Constitutional and Civil Rights under the Color of State Law or City Ordinance.

19 **(# 10.) - DENIAL OF THE RIGHT TO TRAVEL.**

20  
21 Denial of the Inalienable Right to Travel and Use the Public Roads and Highways for  
22 the Right to Private Travel. This is a Very Controversial Subject of Right-Privilege to Drive  
23 upon the Public Roads and Highways for Private Travel. But Never the Less it must be  
24 brought up for Discussion and Review and this Court must Address this issue. The Right to  
25 Travel upon the Public Roads and Highways is Inalienable Right that is Subject to Safety  
26 Regulations and Not Conditions of Use thereof. See: Packard v. Banton, 264 U.S. 140, 144 44 S. Ct. 257,  
27  
28



68 L. Ed. 598. What good is the Inalienable Constitutional and Civil Right to Travel if I the State of California can Condition that Right to a Driver's License Privilege? What Good is the Right to Use the Public Roads and Highways when the Right to Drive my Vehicle upon them is Conditioned upon a Driver's License Privilege, that can be Suspended, Revoked and Conditioned as the California Legislature deems Proper or Necessary. The Right to Use of the Public Roads Highways for Private Travel is Not a State Granted Privilege. It is an Inalienable Constitutional and Civil Right of National Citizenship. See: Vandalla R. R. Co. v. Public Service Commission, 242 U.S. 255 , 37 S. Ct. 93; Missouri Pacific Ry. Co. v. Larabee Flour Mills Co., 211 U.S. 612 , 29 S. Ct. 214. (Emphasis Added). The U.S. Supreme Court called it a Right and a Privilege and Immunities of National Citizenship. See: United States v. Guest, 383 U.S. 745, 757-758 (1966). This Right to Travel and The Right to Drive upon the Public Roads and Highways must be Addressed.

### **(IN CONCLUSION)**

In Conclusion I Move the Court to Grant the Fallowing Remedy in Damages and Punitive Damages.

DAMAGES FROM CITY OF DUBLIN FOR FALSE ARREST AND UNLAWFULLY SEIZING AND TOWING MY VEHICLE \$ 2,500,000.00 = TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

DAMAGES FROM THE ALAMEDA COUNTY SHERIF'S DEPARTMENT FOR FALSE IMPRISONMENT AND CRUEL AND UNUSUAL PUNISHMENT \$ 250,000.00 = TWO HUNDRED FIFTY THOUSAND DOLLARS.

DAMAGES FROM R. LANCE & SON FOR FORFEITURE WITHOUT FORFEITURE HEARING. \$ 250,000.00 TWO HUNDRED FIFTY THOUSAND DOLLARS. PLUS FOR FORFEITURE OF MY VEHICLE LOSS OF MY PROPERTY \$ 10,000.00 = TEN THOUSAND DOLLARS.

CREDIT REGULATING SERVICES, INC. FOR THE FALSE MISLEADING INFORMATION AND RUINING OF MY CREDIT RATING AND GOOD NAME BY FRAUD. \$ 400,000.00 = FOUR HUNDRED THOUSAND DOLLARS.

COMPLAINT SECTION 1963 DUBLIN

Page 30 of 30

DATED: March 6, 2008

WILLIAM J. WHITSITT

RESPECTFULLY SUBMITTED

LET JUDICIAL NOTICE BE TAKEN HERE THAT A JURY TRIAL IS WAIVED AND I MASTER OF THIS CASE AND I WILL ALONE WILL DECIDE WHICH LAW IT WILL PROCEED UNDER. SEE: FAIR, THE, V. KOHLER DIE & SPECIALTY CO., 228 U.S. 22 (1913).

I WILLIAM J. WHITSITT, THIS THE DAY OF MARCH 2008, DO HEREBY DECLARE AND AFFIRM THAT ALL THE ABOVE FACTS ARE TRUE AND CORRECT UNDER THE PENALTY OF LAW.

COMPLAINT.

I MOVE THE COURT TO GRANT ALL DAMAGES DEMANDED FOR IN THE

I SEEK \$25,000.00 TWENTY FIVE THOUSAND DOLLARS FOR ACTUAL LOSS OF VEHICLE VALUE AND USE THEREOF.

I ALSO SEEK \$200,000.00 TWO HUNDRED THOUSAND DOLLARS FROM EACH NAMED DEFENDANT FOR PUNITIVE DAMAGES AND I AVAIL MYSELF TO ANY OTHER REMEDIES OF THIS COURT THAT IT DEEMS NECESSARY AND PROPER.

DEFENDANT CONTACT INFORMATION

DUBLIN POLICE SERVICES

100 Civic Plaza  
Dublin, CA 94568  
(925) 833-6670  
Fax (925) 828-2893

R. LANCE & SON, inc. - TOWING AGENCY:

R Lance & Son, Inc.  
6776 Patterson Pass Road  
Livermore, CA 94550  
(925) 245-8884

CREDIT REGULATING SERVICES, INC.

1737 BARCELONA STREET.  
P.O. BOX 2038  
LIVERMORE, CA 94551  
ATTN: J. W. SMITH - DEBT COLLECTOR  
1 (925) 371 - 0199

JS 44 (Rev. 12/07) (and rev 1-16-08)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

## I. (a) PLAINTIFFS

William J. Whitsitt

## DEFENDANTS

SGT George Lytle 761, Central Towing and Transporting, County of Alameda, City of Dublin Police Services, Tow Operator

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

IN Pro Per William J. Whitsitt, 335 W. Clover Road, Tracy, CA 95376

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

City of Dublin Police Services, 100 Civic Plaza, Dublin, CA 94568  
Alameda County

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<b>LABOR</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 740 Railway Labor Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>IMMIGRATION</b>		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<b>Habeas Corpus:</b>	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 530 General	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 441 Voting			
	<input type="checkbox"/> 442 Employment			
	<input type="checkbox"/> 443 Housing/Accommodations			
	<input type="checkbox"/> 444 Welfare			
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 440 Other Civil Rights			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 1983

Brief description of cause:

This is a Cause of Action for violation of Civil Rights Under the Color of State Law.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ 1,500,000.00CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE". None Filed before this Date

## IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AN "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND☐ SAN JOSEDATE  
April 2, 2008

SIGNATURE OF ATTORNEY OF RECORD

*William J. Whitsitt*